Date Filed 7/17/2023 2:23 PM
Superior Court - Berkshire
Docket Number 2276CV00212

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS **SUPERIOR COURT**
C.A. NO.: 2276-CV-212

ANN GROCHMAL,

Plaintiff,

v.

AMERICAN INSTITUTE FOR ECONOMIC RESEARCH, GREGORY M. VAN KIPNIS, and JEFFREY TUCKER,

Defendants.

THE COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE S.S. SUPERIOR COURT
FILED JUL 17 2023 FILED

JEFFREY TUCKER'S ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, Jeffrey Tucker ("Tucker") hereby responds the numbered paragraphs of Plaintiff's Complaint and states as follows:

Parties

1. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint.

2. Admitted.

3. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint.

4. Denied.

Facts

5. Admitted.

6. Admitted that Plaintiff began working for AIER in August 2019, and denies the remaining allegations contained therein.

7. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. Admitted.

9. Admitted.

10. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph 10 of the Complaint.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint.

22. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint.

23. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint.

24. Denied.

25. Denied.

26. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Complaint.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the Complaint.

42. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the Complaint.

43. Denied.

44. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Complaint.

45. Denied.

46. Denied.

47. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Complaint.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the Complaint.

54. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Complaint.

55. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 55 of the Complaint.

56. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 56 of the Complaint.

57. Denied.

58. Denied.

59. Denied.

60. Denied.

61. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 61 of the Complaint.

62. Tucker states that the letter referenced in paragraph 62 of the Complaint speaks for itself and Tucker denies all allegations inconsistent therewith.

63. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 63 of the Complaint.

64. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 64 of the Complaint.

65. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 65 of the Complaint.

66. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the Complaint.

67. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the Complaint.

68. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the Complaint.

69. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the Complaint.

70. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the Complaint.

71. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the Complaint.

72. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 72 of the Complaint.

73. Denied.

74. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the Complaint.

75. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the Complaint.

76. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 76 of the Complaint.

77. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 77 of the Complaint.

78. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 78 of the Complaint.

79. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 79 of the Complaint.

80. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint.

81. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 81 of the Complaint.

82. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 82 of the Complaint.

83. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 83 of the Complaint.

84. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the Complaint.

85. Tucker states that AIER's social media account speak for itself and denies all allegations inconsistent therewith.

86. Tucker states that the social media account referenced in paragraph 86 speaks for itself and Tucker denies all allegations inconsistent therewith.

87. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 87 of the Complaint.

88. Tucker is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 88 of the Complaint.

89. Denied.

90. Denied.

91. Denied.

Count I: Gender Discrimination in Violation of M.G.L. c. 151B.

92. Tucker repeats and reincorporates his responses to the allegations contained in paragraphs 1 through 91 as if fully set forth herein.

93. Paragraph 93 states a conclusion of law to which no response is required and is otherwise denied.

94. Denied.

95. Denied.

Count II: Sexual Harassment in Violation of M.G.L. C. 151B

96. Tucker repeats and reincorporates his responses to the allegations contained in paragraphs 1 through 95 as if fully set forth herein.

97. Paragraph 97 states a conclusion of law to which no response is required and is otherwise denied.

98. Denied.

99. Denied.

Count III: Hostile Work Environment in Violation of M.G.L. C. 151B

100. Tucker repeats and reincorporates his responses to the allegations contained in paragraphs 1 through 99 as if fully set forth herein.

101. Paragraph 101 states a conclusion of law to which no response is required and is otherwise denied.

102. Paragraph 102 states a conclusion of law to which no response is required and is otherwise denied.

103. Denied.

104. Denied.

Count IV: Retaliation in Violation of M.G.L. C. 151B

105. Tucker repeats and reincorporates his responses to the allegations contained in paragraphs 1 through 104 as if fully set forth herein.

106. Paragraph 106 states a conclusion of law to which no response is required and is otherwise denied.

107. Denied.

108. Denied.

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AFFIRMATIVE DEFENSES

Tucker alleges the following affirmative defenses without assuming the burden of proof where such burden is otherwise on the Plaintiff.

1. Plaintiff's Complaint fails to state a claim upon which relief may be granted.
2. Plaintiff fails to state a prima facie case of discrimination, harassment, or retaliation under state or federal law, and fails to state a claim for punitive damages, or any other federal, state or local claim for which relief can be granted.
3. Plaintiff has failed to allege sufficient facts to state a claim for hostile work environment.
4. Tucker acted in good faith and has not engaged in any willful action or disregarded Plaintiff's rights.
5. The conduct complained of, if any, did not occur, was not severe or pervasive, and was not offensive or unwelcomed.
6. Plaintiff has failed to exhaust administrative remedies.
7. All actions taken by Defendants were supported by legitimate business reasons.
8. Plaintiff has failed to mitigate her damages and her claims herein should be barred or any recovery reduced in proportion to Plaintiff's said failure to mitigate.
9. Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver, ratification, release, laches, unclean hands and estoppel.
10. Plaintiff's claims are barred by the applicable statute of limitations.
11. Plaintiff lacks standing to assert the underlying claims.
12. If Plaintiff sustained damages, such damage was caused by the action of Plaintiff or third parties over whom Tucker has no control and for whom he has no responsibility.

13. Plaintiff's alleged damages resulted in whole or in part from an intervening or superseding cause and/or causes, and any actions on the part of Tucker were not the proximate and/or competent producing cause of such alleged damages.
14. Tucker reserves the right to assert any additional affirmative defenses that may be revealed during the course of these proceedings.

JEFFREY TUCKER
By his attorney,

/s/ Andrew M. Schneiderman

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CERTIFICATE OF SERVICE

I, Andrew Schneiderman, hereby certify that on this 17th day of July 2023, I caused the foregoing *Answer to Plaintiff's Complaint* to be served upon counsel via e-mail:

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/s/ Andrew Schneiderman
Andrew Schneiderman